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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,672	07/19/2000	Takafumi Hoshizawa	0557-4983-2	2151
22850	7590	11/12/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHANG, SABRINA A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,672

Applicant(s)

HOSHIZAWA ET AL.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,8,10-15,17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,8,10-15,17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment to the specification and to claims 1, 6, 8, 10-26, 17, 20, and 21; cancellation of claims 1-5, 7, 9, 15, 18, 19, and 22; as well as addition of 23-26 have been considered.

Response to Arguments

Applicant's arguments regarding the unrelated nature of the art in application to the claims are persuasive. Applicant's arguments with respect to claims 1, 6, 8, 10-15, 17, and 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 10-15, 17, 20, 21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loblondo et al. U.S. Patent No. 5,305,199.

LoBlondo et al. discloses a reprographic machine (image-forming apparatus) that includes an inventory tracking and re-ordering system [Abstract]. Sensors in the machine update local counters, which keep track of the consumable levels (sensors that detect the level of a consumable item). The sensors monitor different types of consumables in the machine – both toner as well as paper [Figures 3 and 4]. The machine's microprocessor periodically checks the

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counter and if it is below a certain threshold an alert is generated [Col 4, Line 50] (signal generated by generating device). The alerting signal can be handled either manually – requiring user intervention and an active decision to place an order - or automatically - where the alert would proceed directly to the supplier of the consumable and the order would be placed without intervention [Col 5, Line 8].

Expected delivery and shipment information is then be transmitted back to the machine and displayed on the machine [Col 3, Line 42] (delivery data includes information corresponding to a day when distribution of the corresponding consumable item is started by the consumable item supplying section and a day when the corresponding consumable item is scheduled to be delivered to the user side).

LoBlondo et al. does not explicitly teach a counter that is designed to monitor the time period that a detector detects the alert signal that a consumable item needs replenishment, where the time period is adjusted by the user. Further in specific reference to claim 12, LoBlondo et al. does not explicitly disclose that the order data is reset when the signal disappears before said time period has elapsed.

LoBlondo's system employs either a manual, automatic or even semi-automatic ordering method and process. In the manual process of managing the consumable item inventory, a user can actively decide when and how to respond to the replenishment alert signal. It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of determining how and when the system would respond to the replenishment signal gives

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the same result as the manual steps shown in LoBlondo. In other words there is no enhancement found in the claimed step. The claimed time monitoring step only provides for automating the manual activity.

In that LoBlondo already discloses an intelligence that can support automation, it would have been obvious to a person of ordinary skill in the art at the time of the invention to further automate the ordering process by monitoring the replenishment alert signal and create a standardized response to it, according to user's preferences, because it would decrease unnecessary ordering and give the user more control over the system while still facilitating the machine's overall efficiency – an expected result from the automation of the manual alert signal response process.

In reference to claim 10, LoBlondo does not explicitly disclose that the communication between the image forming apparatus and the supplier is conducted via a wireless network. However, in that the machine communicates with the supplier using a data communications network simply to communicate electronic information to a remote location, it would have been obvious to one skilled in the art at the time that the network could have been of any nature, wired or wireless, in order to have more flexibility in delivering the information.

Conclusion

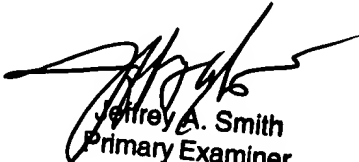
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC



Jeffrey A. Smith
Primary Examiner